August 30, 2007

Via Electronic Mail

WAIVER—EXPEDITED ACTION REQUESTED

Mr. Derek Poarch
Chief, Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, D.C. 20554

RE: *Request for Waiver of Pierce Transit, Matter of Service Rules for the 698-746, 747-762 and 777-792 MHz Bands et al., WT Docket No. 06-150, PS Docket NO. 06-229, WT Docket No. 96-86, FCC 07-132 ("700 MHz Second Report and Order")*

Dear Mr. Poarch:

Pierce Transit, a Washington State Municipal corporation located in Region 43, which provides public transportation in cities and towns in and around Pierce County, Washington, respectfully requests that the Federal Communications Commission ("FCC" or "Commission") waive the prohibition in the 700 MHz Second Report and Order on any new narrowband operations in Channels 63 and 68, or in the upper 1 megahertz of channels 64 and 69, after August 30, 2007, (the "August 30 Deadline").[1] The waiver is required to allow Pierce County to deploy new equipment after the August 30 Deadline, complete implementation of its 700 MHz system, and avoid costly delays.

Pierce Transit is in the midst of deploying a new 700 MHz narrowband radio system. Our FCC license (Call Sign: WQHJ937) was issued on August 17, 2007, and three of our sites are currently operational. The remaining three sites will be completed and operational by the end of October 2007. Finally, deployment of more than 650 mobile and portable radios is scheduled between November 2007 and June 2008.

Our project has been underway since March 1, 2006, when Pierce Transit contracted with Motorola for a voice and data system to support our transit operations in the Puget Sound region. The 700 MHz radio system design was completed late in 2006, the entire system was made operational and tested in December 2006, and the equipment was programmed, shipped, and paid for by the end of

[1] *See* 700 MHz Second Report and Order, ¶ 339; New Public Safety Narrowband Operations Outside of the 700 MHz Consolidated Narrowband Blocks Prohibited as of August 30, 2007**,** *Public Notice,* DA 07-3644 (Aug. 16, 2007).

December 2006. Installation of our master site, prime site, and two remote sites is now complete. Civil construction activities at another remote site will be complete within the next two weeks with civil construction to begin on the remaining two remote sites immediately thereafter. Once we received notice that our licenses had been issued, Motorola immediately proceeded to startup and test the constructed sites.

Field and coverage testing of the entire system is scheduled for November 2007 through January 2008. This will require adding a number of portable and mobile radios to our system. Since our system is a CAD/AVL system, a mini-fleet test will commence to confirm integration between the radio network and CAD software once coverage testing is complete, and will conclude in February 2008. Finally, once the mini-fleet test is approved, full installation of our bus, paratransit, and supervisor fleet will commence. The installation process is expected to occur between March 2008 and June 2008. At the end of this process, Pierce Transit will have over 650 subscriber radios on the air, and will be serving passengers from Olympia to Seattle.

Attached is a summary of the equipment that is deployed and operating in the field as of today as well as a deployment schedule showing projected numbers of base stations and radios that will be activated between now and the conclusion of our project.

Under Section 1.3 of the Commission Rules, "any provision of the Commission's rules may be waived by the Commission . . . or on petition if good cause therefore is shown."[2] The Commission has read this rule to permit waivers where "particular facts would make strict compliance inconsistent with the public interest."[3] The waiver process allows the Commission to "maintain the fundamentals of principled regulation without sacrifice of administrative flexibility and feasibility."[4] In addition, in deciding waiver requests, the Commission may "take into account considerations of hardship, equity, or more effective implementation of overall policy."[5] Waiver of the August 30 Deadline is clearly warranted here.

As a public agency, Pierce Transit has not had funds available for the project until recently. This project is the largest capital project ever undertaken by our agency and delays incurred while new channels are assigned could delay our efforts by 6 to 10 months. Delay costs alone could exceed $500,000 and reconfiguration of the system to use new frequencies in the future would present an undue financial burden if Pierce Transit were not eligible for reimbursement for these costs.

Finally, our current 900 MHz radio system is now over 17 years old and is experiencing multiple failures. At the time the current radio system was designed the only available spectrum with sufficient capacity was in 900 MHz. Over the years, available spectrum (severely impacted by Line A rules for our region) in VHF, UHF, 800 MHz and even 900 MHz has become increasingly scarce, thereby preventing future expansion of the system. It is our understanding that future FCC rule

---

[2] 47 C.F.R. § 1.3. *See also* 47 C.F.R. § 1.925 (waiver appropriate where "*underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, grant of the requested waiver would be in the public interest;" or "in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative").*

[3] *Policies and Roles Concerning Operator Services Access and Pay Telephone Compensation*, 7 FCC Rcd 4355, 4364 n. 118 (1992).

[4] *Wait Radio v. FCC*, 418 F. 2d 1153, 1158 (D.C. Cir 1969).

[5] *See id.*

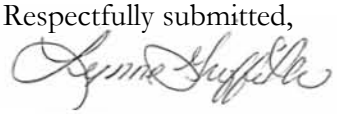
changes may convert the 900 MHz band into geographical area licensing schemes that may further restrict any expansion of the communications system. Even with the diminishment of the 700 MHz public safety spectrum, the availability of other spectrum is not feasible given the specific frequency requirements and operational service area of Pierce Transit.

The safety of our 16,000,000 annual riders and 900+ operators and employees is dependant on maintaining reliable communications with our vehicles and field supervisors. Pierce Transit is also a lead agency in Pierce County's emergency response plan. Our ability to participate with other first responders in the event of a natural disaster or other emergency could be compromised by delays to this project.

Pierce Transit is respectfully requesting a waiver of the August 30, 2007, deadline for operating new systems in the recently reconfigured frequency bands of the 700 MHz spectrum. Further, due to the fact that Pierce Transit is in the midst of implementing the system on channels that will need to be vacated to comply with the new rule, we request that our agency remain eligible for reimbursement for these future reconfiguration costs for our entire system including those portions that are purchased but not yet installed by the August 30, 2007, deadline.

Please feel free to contact Ron Moyer at (253) 581-8022 or rmoyer@piercetransit.org if you have questions or need further information to support a favorable decision. I look forward to your response to our request.

Respectfully submitted,



Lynne Griffith
Chief Executive Officer

cc: Dana Shaffer, Deputy Chief, Public Safety and Homeland Security Bureau
Jeff Cohen, Senior Legal Counsel
Jon Wiswell, Region 43 – 700 MHz Planning Committee Chair
Martin Stern, esquire, K&L Gates
John Eagler, Macro Corporation
Lenny Gemar, Motorola

Attachment A

Pierce Transit

700 MHz System Equipment Deployment Plan

Month	Activities	Number of Base Stations	Number of Subscribers
Dec-06	Factory Test of System	48	657
Aug-07	Install and Test 3 sites	24	3
Sep-07	Install and Test 1 site	8	1
Oct-07	Install and Test 2 sites	16	3
Oct-07	Install and Test Backup control stations	0	5
Nov-07	Install Test Vehicles	0	10
Feb-07	Install Minifleet Vehicles	0	10
Mar-07	Fleet Installation & Portable Deployment	0	165
Apr-07	Fleet Installation & Portable Deployment	0	180
May-07	Fleet Installation & Portable Deployment	0	180
Jun-07	Fleet Installation & Portable Deployment	0	100
	Total	**48**	**657**

Aug-30-2007

Attachment B

Pierce Transit

700 MHz Equipment List and Description

Pierce Transit Equipment - RF Sites

Site	BidItm	Qty	Nomenclature	Description
Puyallup Site				
Puyallup	Misc	5	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Puyallup	Misc	4	DQSB86283D084FB	COOPER B LINE CABLE MGMT
Puyallup	Misc	4	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Puyallup	Misc	1	DSMPS16T1	16 T1 PROTECTOR
Puyallup	Misc	1	DS1400	120V 2-20A RACK MOUNT SURGE PROTECT
Puyallup	PrimeCntrl	2	T7038	GCP 8000 SITE CONTROLLER
Puyallup	Prime ATAC	8	T6507	ASTRO-TAC 9600 COMPARATOR
Puyallup	TeNSr	2	DSPREM891830	UNIVERSAL ENCLOSURE TENSR 800 CHANNEL BANK
Puyallup	Network	2	ST6000	S6000 MNR MULTI-PROTOCOL ROUTER
Puyallup	Network	2	ST6010	S6000 4-PORT ULTRAWAN MODULE
Puyallup	Network	2	DSJ4900B	HP PROCURVE SWITCH 2626B
Puyallup	Trak	1	DSTRAK91008DC	PRIME/MASTER SITE CONFIG DC POWER
Puyallup	Trak	2	DSTRAK91061	FOUR PORT DDM
Puyallup	GTR8000	8	T7039	GTR 8000 BASE RADIO
Puyallup	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
Puyallup	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
Puyallup	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Puyallup	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER
Puyallup	TXRX Mux	1	DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Puyallup	Network	1	DSJ4900B	HP PROCURVE SWITCH 2626B
Puyallup	AntennaSys	1	DB860-A	TX ANTENNA
Puyallup	AntennaSys	1	DB860-A	RX ANTENNA
Puyallup	AntennaSys	2	AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC
Indian Hill Site				
IndianHill	Misc	3	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
IndianHill	Misc	2	DQSB86283D084FB	COOPER B LINE CABLE MGMT
IndianHill	Misc	2	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
IndianHill	Misc	1	DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
IndianHill	TeNSr	1	DSPREM891830	UNIVERSAL ENCLOSURE TENSR 800 CHANNEL BANK
IndianHill	GTR8000	8	T7039	GTR 8000 BASE RADIO
IndianHill	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
IndianHill	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
IndianHill	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
IndianHill	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER
IndianHill	TXRX Mux	1	DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
IndianHill	Network	1	ST2500	S2500 MULTIPROTOCOL WAN ROUTER
IndianHill	Network	1	ST2511	S2500 FLEXWAN DAUGHTER BOARD
IndianHill	Network	1	DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
IndianHill	Network	1	DSJ4900B	HP PROCURVE SWITCH 2626B
IndianHill	Trak	1	DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
IndianHill	Trak	2	DSTRAK91061	FOUR PORT DDM
IndianHill	AntennaSys	1	LPA-75063-4CF	TX ANTENNA
IndianHill	AntennaSys	1	DB878H120E	RX ANTENNA
IndianHill	AntennaSys	2	AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC
Purdy Transfer Station Site				
Purdy	Misc	3	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Purdy	Misc	2	DQSB86283D084FB	COOPER B LINE CABLE MGMT
Purdy	Misc	2	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Purdy	Misc	1	DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
Purdy	TeNSr	1	DSPREM891830	UNIVERSAL ENCLOSURE TENSR 800 CHANNEL BANK
Purdy	GTR8000	8	T7039	GTR 8000 BASE RADIO
Purdy	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
Purdy	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
Purdy	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Purdy	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER

Attachment B

Pierce Transit

700 MHz Equipment List and Description

Purdy	TXRX Mux	1	DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Purdy	Network	1	ST2500	S2500 MULTIPROTOCOL WAN ROUTER
Purdy	Network	1	ST2511	S2500 FLEXWAN DAUGHTER BOARD
Purdy	Network	1	DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
Purdy	Network	1	DSJ4900B	HP PROCURVE SWITCH 2626B
Purdy	Trak	1	DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
Purdy	Trak	2	DSTRAK91061	FOUR PORT DDM
Purdy	AntennaSys	1	DB844H90E	TX ANTENNA
Purdy	AntennaSys	1	DB878H120E	RX ANTENNA
Purdy	AntennaSys	2	AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC
Top Hat Site				
Top Hat	Misc	3	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Top Hat	Misc	2	DQSB86283D084FB	COOPER B LINE CABLE MGMT
Top Hat	Misc	2	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Top Hat	Misc	1	DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
Top Hat	TeNSr	1	DSPREM891830	UNIVERSAL ENCLOSURE TENSR 800 CHANNEL BANK
Top Hat	GTR8000	8	T7039	GTR 8000 BASE RADIO
Top Hat	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
Top Hat	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
Top Hat	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Top Hat	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER
Top Hat	TXRX Mux	1	DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Top Hat	Network	1	ST2500	S2500 MULTIPROTOCOL WAN ROUTER
Top Hat	Network	1	ST2511	S2500 FLEXWAN DAUGHTER BOARD
Top Hat	Network	1	DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
Top Hat	Network	1	DSJ4900B	HP PROCURVE SWITCH 2626B
Top Hat	Trak	1	DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
Top Hat	Trak	2	DSTRAK91061	FOUR PORT DDM
Top Hat	AntennaSys	1	DB844H90E	TX ANTENNA
Top Hat	AntennaSys	1	DB878H120E	RX ANTENNA
Top Hat	AntennaSys	2	AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC
Graham Hill Site				
Graham	Misc	3	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Graham	Misc	2	DQSB86283D084FB	COOPER B LINE CABLE MGMT
Graham	Misc	2	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Graham	Misc	1	DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
Graham	TeNSr	1	DSPREM891830	UNIVERSAL ENCLOSURE TENSR 800 CHANNEL BANK
Graham	GTR8000	8	T7039	GTR 8000 BASE RADIO
Graham	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
Graham	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
Graham	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Graham	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER
Graham	TXRX Mux	1	DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Graham	Network	1	ST2500	S2500 MULTIPROTOCOL WAN ROUTER
Graham	Network	1	ST2511	S2500 FLEXWAN DAUGHTER BOARD
Graham	Network	1	DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
Graham	Network	1	DSJ4900B	HP PROCURVE SWITCH 2626B
Graham	Trak	1	DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
Graham	Trak	2	DSTRAK91061	FOUR PORT DDM
Graham	AntennaSys	1	DB878H120E	TX ANTENNA
Graham	AntennaSys	1	DB878H120E	RX ANTENNA
Graham	AntennaSys	2	AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC
Hemlock Site				
Hemlock	Misc	3	DQ25046066	B LINE SELF SUPPORTING ZONE 4 RACK
Hemlock	Misc	2	DQSB86283D084FB	COOPER B LINE CABLE MGMT
Hemlock	Misc	2	DQSB862BRC3084FB	CABLE MANAGEMENT BACK COVER
Hemlock	Misc	1	DSE129	120V 15A RACK MOUNT WITH 6 SURGE P
Hemlock	TeNSr	1	DSPREM891830	UNIVERSAL ENCLOSURE TENSR 800 CHANNEL BANK
Hemlock	GTR8000	8	T7039	GTR 8000 BASE RADIO

Attachment B

Pierce Transit

700 MHz Equipment List and Description

Hemlock	GTR8000	8	X153AW	ADD: RACK MOUNT HARDWARE
Hemlock	GTR8000	8	CA00855AA	ADD: 700/800 MHZ MID POWER
Hemlock	GTR8000	8	CA00025AF	ADD: MULTI SITE BASE RADIO SOFTWARE
Hemlock	GTR8000	8	CA00882AA	ADD: 700 MHZ TX FILTER
Hemlock	TXRX Mux	1	DQ7483B05619E11	COMBINER & MULTICOUPLER TXRX 764-806 MHZ
Hemlock	Network	1	ST2500	S2500 MULTIPROTOCOL WAN ROUTER
Hemlock	Network	1	ST2511	S2500 FLEXWAN DAUGHTER BOARD
Hemlock	Network	1	DKN6119	CABLE,V.35,FLEXWAN,DTE 10FT
Hemlock	Network	1	DSJ4900B	HP PROCURVE SWITCH 2626B
Hemlock	Trak	1	DSTRAK91009DC	REMOTE SITE CONFIG DCPOWER
Hemlock	Trak	2	DSTRAK91061	FOUR PORT DDM
Hemlock	AntennaSys	1	DB844H90E	TX ANTENNA
Hemlock	AntennaSys	1	DB878H120E	RX ANTENNA
Hemlock	AntennaSys	2	AntennaSys	ANTENNA SYSTEM CABLES/CONN/MISC

Subscriber Radios

Subscriber	Mobile	411	M20URS9PW1 N	XTL 5000 MOBILE 10-35 WATT, 764-870MHZ
Subscriber	Mobile	128	M20URS9PW1 N	XTL 5000 MOBILE 10-35 WATT, 764-870MHZ
Subscriber	Portable	15	H46UCD9PW5 N	PORTABLE ASTRO DIGITAL XTS 2500 764
Subscriber	Portable	98	H66UCD9PW5 N	ASTRO DIGITAL XTS1500 MODEL 1.5 764
Subscriber	Consolette	5	L20URS9PW1 N	10-35W 762-870MHZ XTL 5000 CONSOLET
	Total Subscribers	657		